IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 28623 of 1996

Between:

Smt. G.Swarupa, W/o. Late G.Anthaiah.
R/o. 1-11-239/85, Bhagwantapur,
Begumpet, Hyderabad.

..... PETITIONER

AND

1 The General Manager, (Personnel & Administrarion)
Bharat Heavy Electricals Ltd., Ramachandrapuram,
Hyderabad.
2 The Personnel Officer, Bharat Heavy Electricals Ltd.,
Ramachandrapuram, Hyderabad.
3 Smt. Gouramma,
R/o. 15-20, Ranganathapur Village,

Ramachandrapuram, Dist. Medak

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate order, direction or writ, particularly one in the nature of writ of Mandamus, declaring the

impugned order of the 2nd respondent issued in proceedings No. PA/C2/1806637/96 dated 20/12/1996 as illegal, arbitrary and null & Void, and consequently direct the 1st and 2nd respondents to pay all the service benefits of late husband of the petitioner, to the petitioner.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent No.: MR.E.KALYAN RAM

The Court made the following :

O R D E R

Heard both the counsel.

2 . The writ petition is filed to declare the proceedings of the 2nd

respondent in PA/C2/1806637/96 dated 20.12.1996 as illegal and arbitrary and consequently to direct the respondents 1 and 2 to pay the service benefits of the late husband of the petitioner to her.

3. The petitioner also filed WPMP.No.35293/1996 seeking a direction to respondents 1 and 2 not to make any payments to any other person pursuant to the proceedings of the 2nd respondent dated 20.12.1996. This court by order dated 3.1.1997 granted interim direction as prayed for.

4. This writ petition relates to the year of 1996. During the pendency of the writ petition, it appears that the petitioner filed O.P.No.47/1997 on the file of I Additional Chief Judge, City Civil Court, Secunderabad for issuance of succession certificate. By order dated 15.12.2004, the succession certificate was granted specifying the shares of the parties. Based on the said order, the petitioner filed the present petition in WPMP.No.15733/2005 requesting this court to take up the writ petition for hearing.

5. In the affidavit filed along with the said petition, the petitioner stated that when she filed the order in O.P.No.47/1997 before the 1st and 2nd respondent for release of service terminal benefits of her late husband, the same is not being released on the ground that this court granted stay of disbursement. She further stated that in view of the succession certificate granted by civil court, no further orders are required in the writ petition.

6. The object in filing the writ petition appears to be only to enjoy the terminal benefits of late G.Anthaiah. Now that since the share of the petitioner and other claimants have been settled by virtue of the

succession certificate granted in O.P.No.47/1997, no purpose would be served in keeping the writ petition pending and moreover the petitioner herself does not want any further orders. The only grievance of the petitioner, as noted above, is that in view of the interim stay granted by this court, the authorities are not disbursing the amount.

7. In view of the above facts and circumstances, no orders need be passed in this writ petition and the writ petition is accordingly disposed of. The petitioner and the contesting respondent are at liberty to make their claims according to their entitlement basing on the order passed by the civil court and the concerned authorities may consider the same.

8. No order as to costs.

AVS ----------

17.06.2005

Note:

Issue C.C. in three days.

B/O

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The General Manager, (Personnel & Administrarion)
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